



Transformative and Narrative Skills Within Hong Kong's Facilitative Framework

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Repairing two known shortfalls of facilitative practice in family cases

Empowerment · Recognition · Externalisation

Opening poll (40 seconds)

Your hardest Hong Kong family file of the last two years. Which is nearest the truth?

- (a) We never found the right option
- (b) We found workable options — they were rejected anyway
- (c) We reached agreement — it came back to court within a year
- (d) They signed, and I wasn't sure one of them meant it

The diagnosis: two shortfalls of facilitative practice

Facilitative mediation is genuinely strong at: issue identification · information exchange · option generation · reality-testing · drafting

It is structurally weak at two things:

Shortfall	Repaired by
1 The quality of the interaction is inadequately addressed	Transformative
2 Person-located problem definitions produce stalemate	Narrative

Shortfall 1: the interaction is unaddressed

Facilitative practice has a rich vocabulary for issues and almost none for interaction.

Four things it cannot name, and therefore cannot treat:

Term	What it names
Relative weakness	A party who cannot think, decide, or hold a position steadily
Relative self-absorption	A party who cannot hear the other at all
Face injury	An unrepaired interactional wound that makes every option unacceptable
Compliance ≠ consent	A signature without a decision

THE DIAGNOSTIC ERROR

Treating an interactional problem as an options problem — and responding with more creativity.
More options will not fix a party who cannot yet decide.

Shortfall 2: person-located problems produce stalemate

Look at how the parties hand you the problem:

「係佢阿媽教壞佢啦。」 the problem is her

「係佢自己一嚟就發脾氣。」 the problem is him

Facilitative practice has only two responses, and both fail:

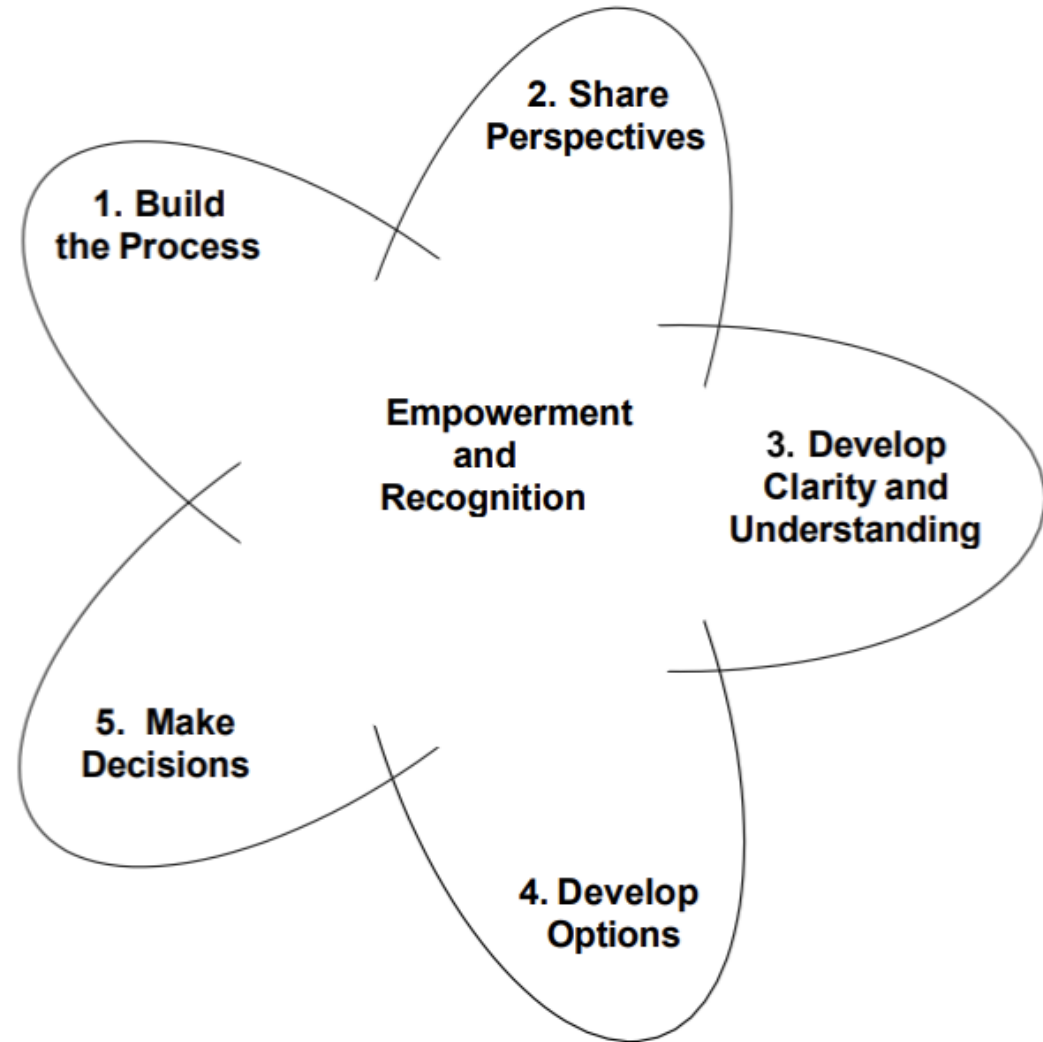
Response	Failure
Let it stand	The problem is a trait in a person. A trait can only be admitted or denied → stalemate
Sanitise it	You reframe it into "concerns about communication" → you have lost the stake

There is a third option, and it is not facilitative.

Change the grammar of the problem so that it is no longer located in a person.

That is externalisation, and it is Part B.

Transformative Mediation



Beyond Settlement

The Core Philosophy

Transformative mediation shifts the paradigm from traditional problem-solving to profound human transformation. It views conflict not merely as a hurdle to overcome, but as a valuable opportunity for moral growth and improved interpersonal dynamics.





A Paradigm Shift

Conflict as a crisis in interaction

- Theoretical Origins: Developed by Baruch Bush and Joseph Folger in their 1994 seminal work, *The Promise of Mediation*.
 - Reframing Conflict: Views conflict as a crisis in human interaction, emphasizing potential for growth rather than a transactional dispute.
 - Relational Focus: Prioritizes improving the interaction and underlying relationship between disputing parties over forcing an immediate settlement.
 - **True Success**: Success is defined exclusively by internal, interpersonal shifts, even if a formal agreement is not reached.
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Transformative Mediation – The Twin Pillars

Empowerment

The restoration to individuals of a sense of their own value and strength, and their capacity to handle life's problems independently.

It enables parties to clarify their options, thoroughly understand their preferences, and make their own informed decisions without any mediator coercion.

Recognition

The evocation in individuals of genuine acknowledgment and empathy for the situation, context, and problems of the other party.

It strengthens the capacity to see and consider differing perspectives. Crucially, recognition is something one gives voluntarily, focusing on mutual understanding.

Shift one: empowerment

A movement from relative weakness → relative strength. The party becomes more:

EMPOWERMENT IS:

- ✓ Clear about what matters to them
- ✓ Calm and organised enough to think
- ✓ Confident in their own standing
- ✓ Capable of deliberating and deciding

EMPOWERMENT IS NOT:

- ✗ The mediator adding power to the weaker party
- ✗ Advocacy, protection, or "levelling the field"
- ✗ Winning

Shift two: recognition

A movement from self-absorption → openness to the other. The party becomes more:

RECOGNITION IS:

- ✓ Willing to hear the other's account
- ✓ Able to see the other as a person with a viewpoint, not only an opponent
- ✓ Capable of acknowledging something about the other

RECOGNITION IS NOT:

- ✗ Reconciliation, friendship, or forgiveness — 復合・和好
- ✗ Agreeing, conceding, or being persuaded
- ✗ Liking each other

Comparing Mediation Models

Dimension	Problem-Solving Model	Transformative Model
Primary Goal	Settlement of the immediate dispute	Parties' empowerment and recognition
View of Conflict	A short-term problem needing a solution	A long-term opportunity for moral growth
Mediator's Role	Directs process, suggests options, evaluates	Follows the parties, supports their decisions
Definition of Success	Reaching a signed agreement	Improved communication and understanding

The core skill set: four moves

Move	What it does
REFLECTION	Return one party's meaning to them, accurately
SUMMARY	Return the interaction to both parties
CHECK-IN	Hand the next decision back to the parties
SILENCE & LETTING GO	Resist the urge to fix, steer, or fill

Mediation Ordinance (Cap. 620), s 4(1)

"...mediation is a structured process... in which one or more impartial individuals, without adjudicating a dispute or any aspect of it, assist the parties... to do any or all of the following—

- (a) identify the issues in dispute;
- (b) explore and generate options;
- (c) communicate with one another;
- (d) reach an agreement..."



Mediation in Hong Kong

HKMAAL



Mediator Panels



Greater Bay Area Mediator
Accreditation

General Mediation

Family Mediation

Hong Kong Mediation Code

How to become a Mediator



Mediation Training Courses



CPD



Mediation Rules



FAQ



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Mediation Rules

Guidelines for professional practice of Family Mediators (These are the guidelines adopted from HKIAC)

For the purpose of this Code of Practice, family mediation has been defined as follows :

"Family Mediation is a non-adversarial, co-operative decision-making process in which a qualified and impartial third party, "the mediator", helps family members resolve by agreement their disputes, including but not limited to those arising from separation or divorce. The resolution is to be voluntary

Mediation Rules

“For the purpose of this Code of Practice, family mediation has been defined as follows :

"Family Mediation is a non-adversarial, co-operative decision-making process in which a qualified and impartial third party, "the mediator", helps family members **resolve by agreement** their disputes, including but not limited to those arising from separation or divorce. The resolution is to be voluntary and based upon sufficient information and advice for each party."

“B. MEDIATION”

I. Goal of Process and Responsibilities of the Parties and the Mediator

- Goal of Process and Responsibilities of the Parties and the Mediator
 - a. Mediation is a voluntary process with the responsibility for the **resolution** of a dispute resting with the parties.
- The mediator's role is that of a facilitator with the primary responsibility being to assist the parties to reach an informed and voluntary **settlement**. At no time shall the mediator make a substantive decision for any party or coerce the parties into an agreement.

The boundary: facilitative baseline, and not therapy

1. Settlement is the goal, and the mediator is a facilitator.

HKMAAL's family mediation guidelines describe the mediator's role as "that of a facilitator with the primary responsibility being to assist the parties to reach an informed and voluntary settlement" — while adding that the goal is a "durable" resolution, "not a settlement at any cost."

2. It is not therapy, and you do not advise.

The same guidelines require the mediator at the outset to "distinguish it from therapy, counselling, custody evaluation and advocacy," and provide that a counsellor- or therapist-mediator "shall not offer counselling or therapy" during the process. The Hong Kong Mediation Code: the mediator will not... give legal or other professional advice, impose a result, or make decisions for any Party.

The rule that governs:

Borrow the skill. Never import the purpose.

Transformative Mediation is not counselling. Externalising is not narrative therapy. When the need is treatment, you refer — you do not treat.



Narrative Practice Externalization



Bridge: from interaction to description

Part A repaired how the parties interact. Part B repairs how the problem is described.

	Question asked	Shortfall repaired
Transformative skills	What is happening between these two?	1
Narrative externalising	What is this problem being called?	2

「係佢阿媽教壞佢啦」 / 「係佢自己一嚟就發脾氣」

Two person-located problems. Accept either → you have taken a side. Sanitise either → you have taken their meaning.

Externalising is the third option.

 Same boundary as before. Externalising was developed in therapy (White & Epston, 1990) and brought into mediation by Winslade & Monk (2000). We take the technique and leave the therapeutic purpose. Re-authoring identity is therapy. Naming a shared problem to build an agenda is mediation.

The claim

Externalising conversations rest on a proposition commonly summarised as:

"The person is not the problem — the problem is the problem."

(White & Epston, 1990; White, 2007)

In therapy: separate the client from the problem.

In mediation: harder —

Separate both parties from the problem — at the same time, in the same room, without either one feeling you have gone easy on the other.

The stimulus

陳先生

「係佢阿媽教壞佢啦。以前個仔好開心跟我出去嘅，家陣次次都話有補習。我唔係傻嘅。」

李女士

「唔係我教壞。係佢自己一嚟就發脾氣，阿俊見到就唔想去。」

(Constructed teaching transcript. Contact dispute, son aged 10.)

On the table now:

- Father's version: the problem is her
- Mother's version: the problem is him

Your three options, and only one works:

Option	Verdict
Adopt one version	X You have taken a side
Sanitise both into "communication concerns"	X You have taken their meaning
Change the grammar	✓

It is a grammar change, not an attitude

Internalised	Externalised
「佢好 controlling」	「呢場拉鋸影響咗你哋幾時交收？」
"She is manipulative"	"When did the Mistrust start deciding the handovers?"
Problem = a trait inside a person	Problem = an entity acting on both people

The shift is syntactic:

- The problem moves from adjective (describing a person) to noun (a thing with effects)
- Once it is a **noun**, it can be measured, dated, resisted, and negotiated about
- A trait can only be denied or admitted — which is precisely why internalised framing produces stalemate

The impartiality rule (the non-negotiable)

The mediator speaks of the problem as an external object exerting influence on the parties — but "not identified solely with either party." (Winslade & Monk, 2000)

Test every name you propose:

Proposed name	Verdict
「佢嘅控制」 <i>her control</i>	X One-ended — you have joined the father
「你嘅疑心」 <i>your suspicion</i>	X One-ended — you have joined the mother
「呢場拉鋸」 <i>this tug-of-war</i>	✓ Two-ended by grammar
「呢個隔閡」 <i>this estrangement</i>	✓ Requires two to exist
「呢個僵局」 <i>this deadlock</i>	✓ Requires two

Craft rule: prefer nouns whose grammar requires two participants.

A tug-of-war cannot have one end. Build impartiality into the noun and you cannot accidentally take a side, even under pressure.

If the noun can only have one owner, it is an accusation wearing a costume.

Who names it

The name must be:

- From the parties' own vocabulary — you harvest, you do not coin
- Offered tentatively, and refusable

「如果我暫時叫呢樣嘢做『呢場拉鋸』——可以嗎?定係你有更貼切嘅講法?」

Why 「暫時」 and 「可以嗎」 are load-bearing:

- 「暫時」 = provisional, revisable → protects you from having imposed a frame
- 「可以嗎」 = the parties retain authorship → the direct answer to Shortfall 4

Uptake test: do they use your word back at you within two turns? If not, drop it.

The Cantonese problem (and the fix)

The Anglophone literature personifies the problem. In Cantonese, direct personification often lands as childish or absurd with adult litigants:

X 「『拉鋸』先生今日嚟咗未？」 — unusable in a Hong Kong family mediation

X 「『疑心』有冇跟你返屋企？」 — reads as mockery

Use causal and possessive constructions instead of personification:

Form	Example
令 / 搞到 (causes)	「呢場拉鋸令你哋兩個講電話都講唔到三句。」
擺走 (takes away)	「呢場拉鋸擺走咗阿俊幾多個週末？」
話事 / 決定 (decides)	「而家係邊個話事——你哋，定係呢場拉鋸？」
呢個 / 呢場 (demonstrative)	Keeps it a definite object without animating it

The move survives translation. The personification does not.

Two Steps

Step 1 — harvest, offer, check uptake

「你哋兩位都用過一個字 —— 『拉鋸』 。」

Step 2 — map effects for BOTH parties, then for the child

Ask each party	Then ask about the child
「呢場拉鋸，一個星期擺走你幾多時間？」	「如果問阿俊，佢會話呢場拉鋸點影響佢？」
「令你哋交收嘅時候變成點？」	「呢場拉鋸擺走咗佢幾多個週末？」

Why Step 2 mutualises

Both parties are describing damage from the same noun.

For the first time in the mediation they are answering the same question rather than contesting each other's answers.

Demonstration: naming

M
「陳先生，你話為住個時間表『拉鋸』咗成年。李女士，你話每次交收都好似『拉緊條繩』。你哋兩位用嘅字好接近。」

M
「如果我暫時叫呢樣嘢做『呢場拉鋸』——可以嗎？定係有更貼切嘅講法？」

陳
「.....可以。」

李
「係咪拉鋸都好，反正好累。」

What was done — and not done:

- 「教壞」 never entered the mediator's mouth
- Neither party's version of causation was adopted or rejected
- 「好累」 — the mother has volunteered a cost. Step 2 has already begun

Demonstration: mapping and evaluating

M

「李女士你話好累。呢場拉鋸一個星期擺走你幾多時間？」

李

「差唔多每晚都要同佢覆 WhatsApp，覆到十一二點。」

M

「陳先生，你呢邊，呢場拉鋸擺走你咩？」

陳

「兩個月見唔到個仔。」

M

「如果問阿俊，佢會話呢場拉鋸點影響佢？」

陳

「.....佢應該覺得好煩。」

李

「佢上個月問我，係唔係佢做錯咗嘢。」
(pause)

M

「你哋兩位都想呢場拉鋸再繼續一年嗎？」

陳、李

「當然唔想。」

M

「點解唔想？」

Drill: name it

Here is what the parties said:

A: 「佢成日都要控制所有嘢，連我探視的時間和阿仔幾點食飯都要管。」

B: 「唔係控制，係佢完全唔可靠，佢照顧阿仔照顧得唔好，食無定時，我唔跟住就會出事！」

Your task — one minute:

1. Propose two candidate names
2. Test each against the two-ended rule
3. Draft the tentative offer using 暫時 and 可以嗎

Then call out your best noun.



Consolidation

Three rules, and where to stop

	The question	The move
1	What is happening <i>between</i> these two?	Reflect · summarise · check in · let silence work
2	What is this problem being <i>called</i> ?	Harvest the noun · two-ended by grammar · 暫時 · 可以嗎
3	Whose process is this?	Hand the next decision back. Every time.

Borrow the skill. Never import the purpose

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- Transformative mediation is not counselling.
 - Externalising is not narrative therapy.
 - Re-authoring identity is therapy; naming a shared problem to build an agenda is mediation.
 - **When the need is treatment, you refer — you do not treat.**

Externalisation (Narrative Practice)

Harvest one name.

Offer it with 暫時 and 可以嗎.

Apply the uptake test.

Two turns.

If they don't use your word back, drop it.



Thank you!

Prof. Josephine Ma